IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA.

CWP No. 972 of 2005

Date of Decision : 5.7.2007

Sansar Chand …Petitioner.

Versus:

State of H.P. & others …Respondents.

***Coram*:**

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1] *No*

For the petitioner: Mr. R. K. Bawa, Sr. Advocate with Mr. Inderjit Narwal, Advocate.

For the respondents. Mr. C. B. Singh, Deputy Advocate General.

Sanjay Karol, J (Oral).

This judgment is being dictated in open Court in the presence of the learned counsel for the parties.

Shri Dhogaru, son of Shri Dhinju was allotted nautor land comprised in khasra No. 506/1, 1094/1082/1, measuring 3-2-11 bighas situated in village Garoru, Tehsil Jogindernagar, Distt. Mandi. Independently, Shri Budh Ram, son of Shri Nimblu Ram, was also allotted nautor land comprised in khasra No. 1293/1094, measuring 0-17-5 bighas vide missal No. 24, review order dated 1.10.1977. The land allotted to the said persons by

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

the respondents, is adjacent to each other. Shri Dhogaru out of the grant so made to him, sold 5 biswas of land to petitioner Sansar Chand. Vide sale dated 19th March, 1992 and mutation 1077 thereof was also attested on 24.4.1992. However, due to wrong preparation of revenue records / tatima, the area of the aforesaid two grants (including the land sold to the petitioner) were shown to be overlapping. The said discrepancy was detected during the course of the demarcation, which was being carried out at the instance of the present petitioner and is evident from the various reports submitted by the Field Revenue Agencies, placed on record. Request to rectify the aforesaid mistake was however wrongly construed by the authorities to be that as a request for exchange of Government land. The case, as such was processed by the various revenue authorities and vide orders dated 30th April, 2003 and 14th June, 2005, the case for exchange of land was turned down on the ground that the Government has imposed a ban on exchange of land.

During the course of the present proceedings, learned counsel for the parties jointly submitted that revenue authorities wrongly processed the case for exchange of land whereas they ought to have corrected the mistake which had crept in during the course of the preparation of revenue records / tatima at the time when the grant was made to the parties.

Petitioner's ownership and possession of 5 biswas of land in terms of the sale deed has been duly acknowledged by

the revenue authorities at the time when the mutation was effected in his favour.

In this view of the matter, the writ petition is allowed and orders dated 30.4.2003 (Annexure P-19) and dated 14.6.2005 (Annexure P-22) are set aside. The respondents are directed to carry out necessary corrections in the revenue records and prepare the Mussabi / Tatima pertaining to the land measuring 0-5-0 biswas purchased by the petitioner as per sale deed (Annexure P-4) comprised in khasra No. 1212/1094, khata khatauni No. 357 min / 469 min, out of land measuring 3-2-11 bighas comprised in Khasra Nos. 506/1 &, 1094/1082/1 situated in village Garoru, Tehsil Jogindernagar, Distt. Mandi, in accordance with the factual position prevailing at the spot.

The writ petition is accordingly disposed of.

(Sanjay Karol),
Judge.

July 5, 2007.
(rana)